

### **Remarks**

The Amendment filed on June 13, 2008, was deemed not fully responsive because it did not include a response to the provisional double patenting rejections in the Office Action dated March 13, 2008.

### **Double Patenting**

The present submission supplements the previously submitted amendment of June 13, 2008 in order to provide a complete response to the Office Action. Specifically, the Office Action dated March 13, 2008 provisionally rejected claims 1-3, 5-7, 10, 14-16, 19-25, 31-33, 37 and 42-43 for alleged obviousness-type double patenting over:

- Claims 1, 2, and 71 of copending application 10/640,904 (issued as US Patent 7,427,629 on September 28, 2008);
- Claims 1, 18-24 and 32 of copending application 10/821330;
- Claims 1-9, 11, 12 and 14 of copending application 10/821335; and
- Claims 1-3, 5-7 and 24-30 of copending application 11/360071.

With regard to applications 10/821,335 and 11/360071, a terminal disclaimer is enclosed as to each.

With regard to the double patenting rejections over claims of application 10/640,904 (now US 7,427,629), and application 10/821,330, Applicants respectfully traverse and request reconsideration. As noted in the Office Action, neither of these applications discloses an IRM attached to a support comprising a metal. The Office Action alleges that the teachings of HAINFELD would have motivated one skilled in the art at the time of the invention to use a support with at least one metal for delivery of the IRM. But HAINFELD et al. does not suggest attaching to a metal-containing support material compounds like the IRM compounds of the present invention, or that IRM compounds would remain active TLR 7 and/or 8 agonists when so attached. Nor does HAINFELD et al. provide any teaching to enable how compounds of the claimed invention would actually be attached to particulate support material comprising at least one metal.

CARUSO, mentioned in connection with the double patenting rejections, also fails to render the claims obvious because CARUSO et al. appears (col. 5, lines 38-46) to be about encapsulation of the drug *within* hollow shells, not adhering the drug “on” the particles as required by the present claims.

Accordingly, in view of the above, withdrawal of the obviousness-type double patenting rejections is requested.

With this response, an earnest effort has been made to respond to all issues raised in the Notice of Non-Compliant Amendment. In view of the above, it is submitted that the application is in condition for allowance and reconsideration of the application is requested.

Respectfully submitted,

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Date

By: /Ted K. Ringsred/

Ted K. Ringsred, Reg. No.: 35,658

Telephone No.: 651-736-5839

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833